

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

JOSEPH PASTORE

Plaintiff,

V.

C.A. No. 04-12374 REK

REISS INDUSTRIES, LTD. dba HYDRO  
COMPONENTS & SYSTEMS, LLC, and  
LAMINATIONS, INC.

Defendants.

**DEFENDANT LAMINATIONS, INC.'S MOTION TO DISMISS**

Defendant Laminations, Inc. (“Laminations”) hereby moves, pursuant to Fed. R. Civ. P. 12(b)(3) and 12(b)(7), to dismiss plaintiff Joseph Pastore’s Complaint on the grounds that Massachusetts is an improper venue for this action and that a necessary party cannot be joined under Rule 19. Further grounds for this Motion to Dismiss are set forth in the Laminations’ Memorandum of Law and Affidavit of James Breslin, submitted herewith.

## REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(D), defendant respectfully requests a hearing on this Motion to Dismiss.

**WHEREFORE**, defendant Laminations, Inc. respectfully requests that this Court dismiss the plaintiff's Complaint in its entirety.

Respectfully submitted,

LAMINATIONS, INC.

By its attorneys,

/s/ Wendy S. Plotkin

Daniel C. Winston (BBO#562209)

Wendy S. Plotkin (BBO#647716)

Sara E. Solfanelli (BBO#658018)

CHOATE, HALL & STEWART

Exchange Place

53 State Street

Boston, MA 02109

(617) 248-5000

Dated: February 14, 2005

**Certification Pursuant to Local Rule 7.1.**

I, Wendy S. Plotkin, counsel for Laminations, Inc., hereby certify that I conferred with counsel for Joseph Pastore and that we were not able to reach resolution on the issues raised in this motion.

/s/ Wendy S. Plotkin